The specification, drawings, and claims 1, 3, 7, 8, 11-15 and 17 have been amended for clarification purposes only. No claims have been added or canceled. Thus, claims 1-20 are pending in the case. Further examination and reconsideration of the presently claimed application are hereby respectfully requested.

Double Patenting Rejection

Claims 1 and 3-20 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 31-49 of U.S. Patent Application No. 09/652,473 to Dingman et al. In response thereto, a Terminal Disclaimer is submitted herewith in a separate paper. The terminal disclaimer is believed to be sufficient to overcome any assertion of judicially created obviousness-type double patenting between the present claims and the claims of U.S. Patent Application No. 09/652,473.

Section 102 Rejections

Claims 1 and 3-18 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,351,761 to Cantone et al. (hereinafter referred to as "Cantone"). A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. Of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987), MPEP 2131. Cantone does not teach or suggest all limitations of the currently pending claims, some distinctive limitations of which are set forth in more detail below. As such, the § 102(e) rejection of claims 1 and 3-18 is respectfully traversed.

Cantone fails to teach or suggest a data transformation system with write spokes configured to perform independent of an output mode specified for the transfer of data to a target. Claim 1 recites in part: "[a] system for data transformation, comprising: one or more modeless write spokes ..." The specification defines a modeless write spoke as a "... target spoke or adaptor [which] performs independent of the output mode [specified by Actions 350] ..." (Specification, page 18, lines 24-25). There is no teaching or suggestion within Cantone that spokes extending from network server 100 are independent of the output mode specified for sending data to devices within network 101'. Without any teaching or suggestion of such a feature, Cantone does not anticipate the limitations of claim 1.

Cantone fails to teach or suggest a transformation engine which is configured to iterate through data sources while detecting triggering events for the transformation of data. Claim 1 recites in part: "[a] system for data transformation, comprising ... a transformation engine operatively coupled to the one or more read spokes for retrieving data from the one or more data sources ... wherein the transformation engine is configured to: iterate through the data sources ..." Cantone does not teach or suggest event driver queue processor 108 configured to iterate through data sources of network 101. Rather, Cantone teaches event driver queue processor 108 receiving an article from network 101 and iterating through user task records 330 to transform data within the article. "After the information gathering server has executed an event driver for gathering a pull article or a push article from a source which has been specified by at least one user task definition, the event driver queue processor loops through all of the user task records to perform every type of transformation specified for the article." (Cantone, column 3, lines 1-7). Consequently, Cantone does not anticipate the limitations of claim 1.

For at least the reasons cited above, Cantone fails to provide any teaching, suggestion, or motivation to teach the limitations of claim 1 and claims dependent therefrom. Accordingly, removal of this rejection is respectfully requested.

In addition to being patentable for reasons set forth above, several of the dependent claims are believed to be separately patentable from Cantone.

For example, dependent claim 4 specifies that the data transformation system further includes a user interface which is configured to allow a user to define one or more data sources and define data structure in each of the data sources. Dependent claims 6, 7, 9, and 10 specify user interfaces which allow a user to define a relationship between data sources and data targets. In contrast, Cantone specifically discloses a server "... that enables distributing articles and messages to a destination in the network at times and in forms that are specified by a user, while also enabling accessing and receiving the articles and messages from sources in the network at times and in forms that are _independent_ of the user." (Cantone, column 2, lines 3-8, Emphasis added). In other words, Cantone does not teach or suggest allowing a user to define data sources and, therefore, does not teach or suggest allowing a user to define a relationship between data sources and data targets. Furthermore, even if, for the sake of argument, Cantone disclosed allowing a user to define a relationship between data sources and data targets, there is no teaching or suggestion to define such a relationship using logical or numerical expression as recited in claims 9 and 10, respectively. It is, therefore, asserted that claims 4, 6, 7, 9 and 10 are patentably distinct over Cantone.

Dependent claims 8 and 11 specify that the data transformation system is configured to display information regarding the relationship between the source structures and the target structures specified in the transformation map and the contents of the data sources and data targets, respectively. Cantone does not disclose the user interface of information stream management network server 100 including a display. The Office Action implies that the limitations of claim 8 and 11 are inherent by the passage recited in column 10, lines 20-29 in Cantone. The passage discloses that existing source menus as well as distribution and transformation options menus may be requested by a user. The existing sources menus refer to address information for the data sources of network 100 as noted in column 10, lines 8-12 of Cantone. There is no teaching or suggestion that such source menus detail the <u>contents</u> of the data sources as is recited in claim 11. The distribution and transformation options menus refer to options a user may employ when defining the task records 330. There is no teaching or suggestion of graphically depicting the relationship between the source structures and the target structures specified in the transformation map as recited in claim 8. Furthermore, there is no teaching or suggestion that existing source menus as well as distribution and transformation options menus discussed in Cantone are presented to the user on a display. Moreover, the limitations of claims 8 and 11 are not an inherent characteristic of the system disclosed in Cantone since there is no extrinsic evidence that makes clear that such limitations are necessarily present in such a system.

> To establish inherency, the extrinsic evidence must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by person of ordinary skill. 'Inherency, however, may not be established by probabilities or possibilities. The mere fact that a certain thing may result from a given set of circumstances is not sufficient.' *In re Robertson*, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950-51 (Fed. Cir. 1999) MPEP 2112.

In regard to dependent claims 12 and 13, the triggering events are specified to include a generic source event and a generic target event, which are defined in the specification as events "that may be triggered during the reading and writing from all data sources and data targets, respectively." (Specification, page 42, lines 19-20). Cantone specifically teaches "… for every received article requested by at least one user in a user task record 330, the event driver queue processor performs customized transformations on the article specified by the users in their user task records 330 ..." (Cantone, column 6, lines 27-31). Consequently, Cantone teaches that event actions are article specific and, therefore, are triggered when a specific article is pushed or pulled from a data source. There is no teaching or suggestion that the event actions may be triggered during the receipt or distribution of articles from all data sources and data targets. Consequently, it is asserted that Cantone does not teach or suggest the limitations of claims 12 or 13.

Section 103 Rejections

Claims 2, 19, and 20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Cantone. Claims 1-20 are further rejected under 35 U.S.C. § 103(a) as being unpatentable over discussions in the Specification of systems known in the art of data transformation (hereinafter referred to as "Applicant's Disclosure") in view of U.S. Patent No. 5,970,490 to Morgenstern (hereinafter referred to as "Morgenstern"). To establish a *prima facie* obviousness of a claimed invention, all claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974), MPEP 2143.03. Obviousness cannot be established by combining or modifying the teachings of the prior art to produce the claimed invention, absent some teaching or suggestion or incentive to do so. *In re Bond*, 910 F. 2d 81, 834, 15 USPQ2d 1566, 1568 (Fed. Cir. 1990). None of the cited art teaches or suggests all limitations of claims 1-20, some distinctive limitations of which are set forth in more detail below.

There is no motivation to combine the Applicant's Disclosure with Morgenstern to teach the limitations of claim 1. The Office Action cites Morgenstern as teaching a data transformation system with event actions each having a corresponding triggering event. In addition, the Office Action cites the Specification as teaching that prior art methods include iterative processes for data transformation. The Examiner has used such teachings to support a obviousness-type rejection combining the teachings of Morgenstern with the Applicant's Disclosure to teach the limitations of claim 1. It is asserted, however, that there is no motivation to combine the Applicant's Disclosure with Morgenstern to teach the limitations of claim 1. In particular, the Applicant's Disclosure specifically teaches away from using iterative methods for data transformation since current techniques make it difficult to keep track of the relationship between records. (Applicant's Disclosure, page 5, lines 1-2). It is improper to combine references where the references teach away from their combination. *In re Grasselli*, 713 F.2d 731, 743, 218 USPQ 769, 779 (Fed. Cir. 1983). MPEP 2145.

For at least the reasons cited above, there is no motivation to combine the Applicant's Disclosure with Morgenstern to teach the limitations of claim 1. As noted above in the arguments traversing the § 102(b) rejections of claims 1 and 3-18, Cantone does not teach or suggest the limitations of claim 1. Consequently, claim 1 and claims dependent therefrom are patentably distinct from the cited art. Accordingly, removal of this rejection is respectfully requested.

In addition to being patentable for reasons set forth above, several of the dependent claims are believed to be separately patentable from the cited art.

For example, dependent claim 2 specifies the transformation engine further include a query language preprocessor operable to review the data transformation map and evaluate embedded expressions in the one or more mappings. The Office Action admittedly states Cantone does not specifically disclose a query language preprocessor, but states that it would be obvious to one skilled in the art. Such a basis for rejection, however, is not legitimate since Cantone fails to teach, suggest or provide motivation to include a query language preprocessor within the system described therein. To establish a *prima facie* obviousness of a claimed invention, all claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974), MPEP 2143.03. To further support grounds for the non-obviousness rejection of claim 2, the Office Action cites page 8, lines 28-31 of the Specification as teaching that a query language provides a user interface to database management systems and it is often embedded in other programming languages. Such a teaching refers to a basic programming language that allows a user to search a database for data based on conditions specified by the user. There is no teaching or suggestion in the Specification of such a prior art query language being used to review event actions within a transformation engine and evaluate such actions for embedded expressions as recited in claim 2. As such, the aforementioned caption of the Specification does not provide any teaching, suggestion or motivation to teach the limitations of claim 2.

Similarly, although Morgenstern discloses a data transformation system which may include a query language, there is no teaching or suggestion with Morgenstern of such a query language being configured to review event actions within a transformation engine and evaluate such actions for embedded expressions. Consequently, Morgenstern does not provide any teaching, suggestion or motivation to teach the limitations of claim 2. The Office Action states, however, that a query language preprocessor would be inherent to the system disclosed in Morgenstern. Without any explicit evidence to show that such a query language preprocessor is necessarily present in the system disclosed in Morgenstern, such a limitation is not inherent of the system described in Morgenstern. To establish inherency, the extrinsic evidence must make clear that the missing descriptive matter is necessarily present in the thing described in the reference ... *In re Robertson*, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950-51 (Fed. Cir. 1999) MPEP 2112. Consequently, claim 2 is asserted to be patentably distinct over the cited art.

With regard to dependent claims 4-10, the Office Action states that concept and advantages of the claim limitations are well known in the art. In addition, the Office Action states "[i]t would be obvious to one skilled in the art at the time of the invention to provide such functionalities to a user in order to allow a user to fully manage the transformation system" to further support the obviousness rejection of claim 4-10. Although the Applicant agrees that employing a user interface with a data transformation system is well known in the art, Applicant questions whether the employment of user interfaces with the functionalities specified in at least claims 4 and 6-10 is well known in the art. Therefore, the Applicant requests one or more cited references showing the employment of user interfaces with the functionalities specified in at least claims 4 and 6-10.

Dependent claim 11 specifies the transformation engine is configured to show the contents of the data sources and the contents of data structures in the data target. As noted above, Cantone fails to teach or suggest showing contents of data sources or data targets on a display. Similarly, the Applicant's Disclosure and Morgenstern fail to teach or suggest systems that show contents of data sources or data targets on a display. Although Morgenstern does include a display within the system described therein, there is no teaching or suggestion that the contents of data sources or data targets are displayed on such a display. Without any teaching or suggestion of such a configuration within the cited art, there is no motivation within the cited art to teach the limitations of claim 11. Consequently, claim 11 is asserted to be patentably distinct over the cited art.

In regard to dependent claims 12 and 13, the triggering events are specified to include a generic source event and a generic target event, which are defined in the specification as events "that may be triggered during the reading and writing from all data sources and data targets, respectively." (Specification, page 42, lines 19-20). As noted above, there is no teaching or suggestion within Cantone that event actions may be triggered during the receipt or distribution of articles from all data sources and data targets. Similarly, neither the Applicant's Disclosure nor Morgenstern teach or suggest that event actions may be triggered during the receipt or distribution of articles from all data sources and data targets. In fact, the Applicant's Disclosure fails to disclose a system with event actions, much less the activation of event actions. Morgenstern, however, does discuss the activation of rules by which to transform data. In particular, Morgenstern teaches, "The left hand side of a rule specifies the data objects on which the rule operates ..." (Morgenstern, column 15, lines 7-8). Consequently, Moregenstern teaches that transformation rules are source specific and, therefore, are triggered when data is received from a particular source. Morgenstern further teaches, "The left hand side identifies 'trigger conditions' for an invocation of
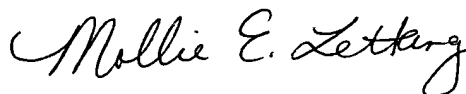
the rule." (Morgenstern, column 15, lines 27-28). There is no teaching or suggestion that the rules may be triggered during the receipt of data from all data sources and/or during the distribution of data to all data targets as recited in claims 12 and 13, respectively. Consequently, it is asserted that none of the cited art teaches or suggests the limitations of claims 12 or 13.

CONCLUSION

This response constitutes a complete response to all issues raised in the Office Action mailed January 20, 2004. In view of the remarks traversing rejections, Applicants assert that pending claims 1-20 are in condition for allowance. If the Examiner has any questions, comments, or suggestions, the undersigned earnestly requests a telephone conference.

No fees are required for filing this amendment; however, the Commissioner is authorized to charge any additional fees which may be required, or credit any overpayment, to Conley Rose, P.C. Deposit Account No. 03-2769/5854-00301.

Respectfully submitted,

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